

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

9 UNITED STATES OF AMERICA,)
10 Plaintiff,) CR-09-0441-TUC-CKJ-DTF
11 vs.)
12 ELMER GUY SMITH,) ORDER
13 Defendant.)
14 _____)

15 On April 19, 2010, Magistrate D. Thomas Ferraro issued a Report and
16 Recommendation [Doc. No. 66] in which he recommended that the Defendant's Motion to
17 Suppress Evidence [Doc. No. 28] and Defendant's Motion to Dismiss the Indictment [Doc.
18 No. 27] be denied. No objections have been filed within the time provided by 28 U.S.C. §
19 636(b).

20 Accordingly, after an independent review, IT IS ORDERED:

- 21 1. The Report and Recommendation [Doc. No. 66] is ADOPTED, and;
22 2. Defendants' Motion to Suppress Evidence [Doc. No. 28] is DENIED, and;
23 3. Defendant's Motion to Dismiss the Indictment [Doc. No. 27] is DENIED.

24 DATED this 13th day of May, 2010.

Cindy K. Jorgenson
Cindy K. Jorgenson
United States District Judge